Approved Code No. 457 Registry No. 213—1—05

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

CAP AND CLOTH HAT INDUSTRY

AS APPROVED ON JUNE 5, 1934

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1934

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FOR THE

CAP AND CLOTH HAT INDUSTRY

As Approved on June 5, 1934

ORDER

CODE OF FAIR COMPETITION FOR THE CAP AND CLOTH HAT INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of a Code of Fair Competition for the Cap and Cloth Hat Industry, and hearings having been duly held thereon and the annexed report on said Code, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order No. 6543–A, dated December 30, 1933, and otherwise; do hereby incorporate by reference said annexed report and do find that said Code complies in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act; and do hereby order that said Code of Fair Competition be and it is hereby approved.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D.C.,
June 5, 1934.

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REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: The Public Hearing on the Code of Fair Competition for the Cap and Cloth Hat Industry as proposed by the National Cap and Cloth Hat Institute was conducted in Washington, D.C., on August 17, 1933, in conjunction with the Hearing on the Proposed Codes for the Hat Manufacturing Industry and Hat Supplies Manufacturing Industry.

Every person who requested an appearance was fairly heard in accordance with regulations of the National Recovery Administration. The Code has the approval of the Labor, Industrial, and Consumers' Advisory Boards of the National Recovery Administration, and of the Legal Division. The Code Committee of the Cap Association of the United States, Incorporated, which Association represents a merger of the National Association of Cap Manufacturers, Incorporated, and of the National Cap and Cloth Hat Institute has given assent on behalf of the Industry to the final draft of the Code.

The Industry as defined in the Code includes the manufacture of caps and/or cloth hats of any and all description, including uniform caps, aviation caps, hunting caps, helmets, sport and golf caps, baseball caps, shop caps, and railroad caps, manufactured from cloth, leather and leatherette, or any combination or substitutes for said materials.

The main centers of the Industry are New York, Philadelphia, St. Louis, Chicago, Boston, Cleveland, Minneapolis, St. Paul and Seattle. The establishments are small and highly competitive. Over half of the wage earners work in plants that employ not more than twenty (20) workers each. Of the five hundred seventy-six (576) establishments reported by the United States Census Bureau in 1929, only one employed more than one hundred (100) workers. About sixty percent (60%) of the workers are men. The workers belong to the highest skilled crafts, such as cutters, blockers and operators. In general, there is not much unskilled labor in the Industry.

Although the value of production in the Industry declined from $34,158,155. in 1929, to $17,000,000. in 1932, the decline in employment has only been from 5,826 in 1929, to 4,000 in 1932.

The Cap Association of the United States, Incorporated, represents approximately ninety percent (90%) in value of the total production of cap and cloth hats in the United States, and approximately 3,500 of the 4,000 employees. The non-members of the Association, the number of whom is not actually known, produce only a negligible volume of business. The membership of the Association numbers 305. There are no other known associations of cap and cloth hat manufacturers.

RESUME OF THE CODE

Article I gives the purposes of the Code.
Article II sets forth certain definitions.

Article III contains the maximum hour provisions of the Code.

Article IV establishes the minimum wage for all employees employed in the Industry.

Article V sets forth the general labor provisions.

Article VI provides for the organization of the Code Authority and defines its powers and duties.

Article VII provides for the use of N. R. A. labels in the Industry.

Article VIII deals with sales below cost.

Article IX provides for the modification of the Code.

Article X states that the Code shall not permit monopolies.

Article XI deals with price increases.

Article XII specifies the effective date.

FINDINGS

The Deputy Administrator in his final report to me on said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) Said Code is well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among the trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanctions and supervision, by eliminating unfair competitive practice, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) Said industry normally employs not more than 50,000 employees; and is not classified by me as a major industry.

(c) The Code as approved complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7, and Subsection (b) of Section 10 thereof; and that the applicant association is an industrial association truly representative of the aforesaid industry; and that the said association imposes no inequitable restrictions on admission to membership therein.

(d) The Code is not designed to and will not permit monopolies or monopolistic practices.

(e) The Code is not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Code.

For these reasons the Code has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JUNE 5, 1934.

CODE OF FAIR COMPETITION FOR THE CAP AND CLOTH HAT INDUSTRY

Article I—Purposes

To effectuate the policy of Title I of the National Industrial Recovery Act the following provisions are established as a Code of Fair Competition for the Cap and Cloth Hat Industry, and shall be the standard of fair competition for such Industry and shall be binding upon every member thereof.

Article II—Definitions

Section 1. The term "Cap and Cloth Hat Industry" as used herein includes the manufacture and production in whole or in part of caps and/or cloth hats of any and all description, including, but without limitation, uniform caps, aviation caps, hunting caps, helmets, sport and golf caps, baseball caps, shop caps, and railroad caps manufactured from cloth, leather or leatherette, or any combinations of the said materials, including the manufacture of cap visors, bands, brims, and sweat bands other than leather, and such branches or subdivisions of the Industry as may from time to time be included under the provisions of this Code.

Section 2. The term "employee" as used herein includes any person engaged in any phase of the Industry, in any capacity, receiving compensation for his services, irrespective of the nature or method of payment of such compensation, except a member of the Industry.

Section 3. The term "employer" as used herein includes any one by whom such an employee is compensated or engaged.

Section 4. The term "member of the Industry" as used herein includes any person, firm, or corporation engaged in the Industry, either as an employer or on his or its own behalf and either as manufacturer or contractor.

Section 5. The term "contractor" as used herein includes any person employing manufacturing labor and operating in a regular place of business who manufactures or produces in whole or in part for the account of another any products manufactured by the Industry as defined above and/or any part thereof that may be necessary to finish or complete any such products.

Section 6. The term "Association" as used herein shall mean the Cap Association of the United States, Inc.

Section 7. The terms "President", "Act", and "Administrator" as used herein mean respectively the President of the United States, Title I of the National Industrial Recovery Act, and the Administrator for Industrial Recovery.

Article III—Hours

Section 1. Except as hereinafter provided, no employee shall be permitted to work in excess of forty (40) hours in any one week,

nor in excess of eight (8) hours in any twenty-four (24) hour period.

SECTION 2. No manufacturing operations shall be performed on any Saturday or Sunday except that the Code Authority, subject to prior approval by the Administrator, may permit manufacturing operations on any Saturday of a week in which there is a religious or legal holiday. In no event shall any manufacturing operations be performed during more than five (5) days during any one (1) week.

SECTION 3. The provisions of this Article shall not apply to outside salesmen, nor to persons employed in a managerial or executive capacity who earn not less than thirty-five ($35.00) dollars per week.

SECTION 4. The provisions of this Article shall also apply to all employers and members of the Industry insofar as they themselves perform the work of employees.

SECTION 5. Subject to approval by the Administrator, the Code Authority shall designate the hour before which work shall not begin and the hour after which work shall not continue. Such opening and closing hours need not be uniform throughout the country, but may be varied to meet varying needs and conditions.

SECTION 6. No employer shall knowingly permit any employee to work for any time which, when added to the time spent at work for another employer or employers in this Industry, exceeds the maximum permitted herein.

ARTICLE IV—WAGES

SECTION 1. Except as hereinafter provided no employee shall be paid less than at the rate of thirty-two and one-half cents (32½¢) per hour.

SECTION 2. No employee engaged in cutting, blocking, operating, or lining making and employed in the Eastern Area as hereinafter defined shall be paid less than at the rate of fifty-five cents (55¢) per hour.

SECTION 3. No employee engaged in cutting, blocking, operating, or lining making and employed in the Western Area as hereinafter defined shall be paid less than at the rate of thirty-seven and one-half cents (37½¢) per hour.

SECTION 4. For the purposes of this Code the term "Eastern Area" is defined to include the States of Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland and Delaware, and the term "Western Area" is defined to include all other places in the United States. The Code Authority may recommend to the Administrator such modifications of the definitions of the terms "Eastern Area" and "Western Area" as it may deem advisable and such recommendations upon the approval of the Administrator, after such notice and hearing as he may require, shall become effective as part of this Code.

SECTION 5. No employee engaged as an apprentice shall be paid less than at the rate of twenty-five cents (25¢) per hour during the first six (6) weeks of employment in the Industry and thereafter less than at the minimum rate herein provided. If the operation at which any apprentice is engaged is piece-work and the amount earned at the piece-work rate is more than the minimum apprentice wage hereby established, such apprentice shall be paid on such piece-

work basis. The period of apprenticeship shall not exceed six (6) weeks and any time worked by an apprentice in the Industry shall be deemed a part of such apprenticeship period, whether such time is worked continuously or in more than one shop or for more than one employer. The number of apprentices engaged by any one employer shall at no time exceed ten percent (10%) of the total number of employees engaged in manufacturing operations in the employ of such employer. The Code Authority, subject to the approval of the Administrator, may limit the total number of apprentices engaged by any one employer in any one (1) year.

Section 6. This Article establishes a minimum rate of pay which shall apply irrespective of whether an employee is compensated on a piece-rate, time-rate or other basis.

Section 7. Unless the Administrator otherwise directs, no employer shall reduce the weekly compensation for employment now in excess of the minimum wages established herein, notwithstanding that the hours worked in such employment may hereby be reduced.

Article V—General Labor Provisions

Section 1. No person under eighteen (18) years of age shall be employed in the Industry at operations or occupations hazardous in nature or detrimental to health. No person under sixteen (16) years of age shall be employed in the Industry in any capacity. In any State any employer shall be deemed to have complied with this provision as to age if he shall have on file a certificate or permit, duly signed by the Authority in such State empowered to issue employment or age certificates or permits showing that the employee is of the required age.

Section 2. Employees shall have the right to organize and bargain collectively, through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Section 3. No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

Section 4. Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

Section 5. No employer shall reclassify employees or duties of occupations performed for the purpose of defeating the provisions of the Act or of this Code.

Section 6. Every employer shall provide for the safety and health of his employees at the place and during the hours of their employment. The Code Authority shall recommend to the Administrator minimum standards for the safety and health of employees in this Industry within six (6) months after the effective date of this Code which minimum standards, upon the approval of the Administrator, shall become effective provisions of this Code.

Section 7. No provision in this Code shall supersede any State or Federal law which imposes on employers more stringent require-

ments as to age of employees, wages, hours of work, or as to safety, health, sanitary or general working conditions, or insurance, or fire protection, than are imposed by this Code.

SECTION 8. All employers shall post and keep posted complete copies of Article III, IV and V of this Code in conspicuous places accessible to employees, and shall comply with all the rules and regulations relative to posting which may from time to time be prescribed by the Administrator.

SECTION 9. No member of the Industry shall modify established practices or privileges so as to shorten vacation periods, leaves of absences, or temporary absences from work heretofore granted to employees.

SECTION 10. No member of the Industry shall contract out any manufacturing or production work for performance in the home or in any part of the living quarters of any employee.

SECTION 11. Female employees performing substantially the same work as male employees shall receive the same rates of pay as male employees.

ARTICLE VI—ADMINISTRATION

SECTION 1. A Code Authority is hereby established and constituted as follows:

(a) Nine (9) representatives of the Industry, or such other number as may be approved from time to time by the Administrator, shall be selected as hereinafter in this sub-section provided, in a manner to be approved by the Administration.

Eight (8) of such members of the Code Authority shall be selected by the Cap Association of the United States, Inc. Of these, four (4) members of the Code Authority shall be elected by representatives from the Eastern Area as defined in Section 4 of Article IV of this Code and four (4) members shall be elected by representatives from the Western Area as defined in said Section 4, of Article IV of this Code.

One (1) member shall be selected by members of the Industry not members of the said Cap Association of the United States, Inc., at such time and in such manner as shall be approved by the Administrator.

(b) Two (2) members may be appointed by the Administrator on the nomination of the Labor Advisory Board of the National Recovery Administration.

(c) Such additional members, without vote, not to exceed three (3), may be appointed by the Administrator to represent such groups or interests or such governmental agencies and for such periods as he may designate.

SECTION 2. Each trade or industrial association directly or indirectly participating in the selection or activities of the Code Authority shall (1) impose no inequitable restrictions on membership, and (2) submit to the Administrator true copies of its articles of association, by-laws, regulations, and any amendments when made thereto, together with such other information as to membership, organization, and activities as the Administrator may deem necessary to effectuate the purposes of the Act.

SECTION 3. In order that the Code Authority shall at all times be truly representative of the Industry and in other respects comply with the provisions of the Act, the Adminstrator may prescribe such hearings as he may deem proper; and thereafter if he shall find that the Code Authority is not truly representative or does not in other respects comply with the provisions of the Act, may require an appropriate modification of the Code Authority.

SECTION 4. Nothing contained in this Code shall constitute the members of the Code Authority partners for any purpose. Nor shall any member of the Code Authority be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the Code Authority. Nor shall any member of the Code Authority be liable to any one for any action or omission to act under the Code, except for his wilful malfeasance or non-feasance.

SECTION 5. If the Administrator shall determine that any action of a Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended, to afford an opportunity for investigation of the merits of such action and further consideration by such Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

SECTION 6. Subject to such rules and regulations as may be issued by the Administrator, the Code Authority shall have the following powers and duties, in addition to those authorized by other provisions of this Code.

(a) To insure the execution of the provisions of this Code and to provide for the compliance of the Industry with the provisions of the Act: Provided, however, that this shall not be construed to deprive duly authorized governmental agencies of their power to enforce the provisions of this Code or of the Act.

(b) To adopt a constitution, by-laws and rules and regulations for its procedure and for the administration of this Code, and to submit the same to the Administrator for his approval, together with true copies of any amendments or additions when made thereto, minutes of meetings when held, and such other information as to its activities as the Administrator may deem necessary to effectuate the purposes of the Act.

(c) To obtain from members of the Industry such information and reports as are required for the administration of the Code. In addition to information required to be submitted to the Code Authority, members of the Industry subject to this Code shall furnish such statistical information as the Administrator may deem necessary for the purposes recited in Section 3 (a) of the Act to such Federal and State agencies as he may designate; provided that nothing in this Code shall relieve any member of the Industry of any existing obligations to furnish reports to any Government agency. No individual report shall be disclosed to any other member of the Industry or any other party except to such other Governmental agencies as may be directed by the Administrator and/or as may otherwise be required by the law.

(d) To use such trade associations and other agencies as it deems proper for the carrying out of any of its activities provided for herein and to pay such trade associations and agencies the cost thereof, provided that nothing herein shall relieve the Code Authority of its duties or responsibilities under this Code and that such trade associations and agencies shall at all times be subject to and comply with the provisions hereof.

(e) To make recommendations to the Administrator for the coordination of the administration of this Code with such other Codes, if any, as may be related to or affect members of the Industry.

(f) To appoint a trade practice committee which shall meet with the trade practice committees appointed under such other codes as may be related to the Industry for the purpose of formulating fair trade practices to govern the relationships between production and distribution employers under this Code and under such others to the end that such fair trade practices may be proposed to the Administrator as amendments to this Code and such other Codes.

(g) To establish or designate an agency on planning and fair practice which shall cooperate with the Code Authority in developing fair trade practices and industrial planning, including the regularization and stabilization of employment for the Industry.

(h) To create an Industrial Relations Committee to handle both labor complaints and labor disputes, such Committee to be established in accordance with rules and regulations prescribed by the Administrator.

(i) To initiate, consider, and make recommendations for the modification or amendment of this Code which shall become effective as a part of this Code when approved by the Administrator after such notice and hearing as he may specify.

(j) To cause to be formulated an accounting system and methods of cost finding and/or estimating adaptable for use by all members of the Industry. Upon approval by the Administrator, after such system and methods have been formulated, full details concerning them shall be made available to all members. Thereafter, all members shall determine and/or estimate costs in accordance with the principles of such methods.

(k) To make recommendations, which upon the approval of the Administrator shall become effective as a part of this Code, for the regulation and disposal of distress merchandise.

(l) To make recommendations, which upon the approval of the Administrator shall become effective as a part of this Code, for the regulation of methods and conditions of purchasing and selling merchandise and in particular to make recommendations with regard to rebates, refunds, allowances, unearned discounts, terms of credit, misbranding, mismarking and the return of merchandise.

Section 7. It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code.

(b) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary, (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry.

(c) After such budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefore in its own name.

SECTION 8. Only members of the Industry complying with the Code and contributing to the expenses of its administration as provided in Section 7 hereof shall be entitled to participate in the selection of the members of the Code Authority or to receive the benefit of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

ARTICLE VII—LABELS

SECTION 1. All merchandise manufactured or distributed subject to the provisions of this Code shall bear an N.R.A. label, to symbolize to purchasers of said merchandise the conditions under which it has been manufactured.

SECTION 2. Under the powers vested in the Administrator by Executive Order of October 14, 1933, and under grant of the necessary authority by him, the Code Authority shall have the exclusive right to issue and sell labels to the members of this Industry.

SECTION 3. Each label shall bear a registration number especially assigned to each member of the Industry by the Code Authority, and shall remain attached to all such merchandise when sold and delivered.

SECTION 4. Any and all members of the Industry may apply to the Code Authority for a permit to purchase and use such N.R.A. labels, which permit shall be granted to them, and shall not thereafter be withdrawn except in accordance with such rules and regulations as may be prescribed by the Administrator.

SECTION 5. Subject to the approval of the Administrator, the Code Authority shall establish rules and regulations and appropriate machinery for the issuance and sale of labels and the inspection, examination and supervision of the practices of members of the Industry using such labels for the purposes of ascertaining the right of such members of the Industry to the continued use of said labels; or protecting purchasers in relying on said labels; and of insuring to each individual member of the Industry that the symbolism of said label will be maintained by virtue of compliance with the provisions of this Code by all members of the Industry using said label.

SECTION 6. The charge made for such labels by the Code Authority shall at all times be subject to supervision and orders of the Administrator and shall be not more than an amount necessary to cover the actual reasonable cost thereof, including actual printing and distribution, administration and supervision of the use thereof as herein above set forth.

SECTION 7. The application of the provisions of this Article shall at all times be subject to rules and regulations issued by the Administrator in respect thereto.

ARTICLE VIII—SALES BELOW COST

No member of the Industry shall sell any merchandise subject to the provisions of this Code at a price below his own individual cost as computed by the uniform cost system provided in Article VI, Section 6 (j) of this Code when approved by the Administrator; provided, however, that a member of the Industry may sell at a price below his own individual cost in order to meet the competition of another member who is not himself selling at a price below his own individual cost, computed on a like basis. This rule shall not apply to bona fide seasonal clearance sales nor to the sale of imperfect or actually damaged or distress merchandise.

ARTICLE IX—MODIFICATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the provisions of sub-section (b) of Section 10 of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule or regulation issued under Title I of the said Act and specifically, but without limitation, to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SECTION 2. This Code, except as to the provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modification to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on approval by the Administrator.

ARTICLE X—MONOPOLIES

No provisions of this Code shall be so applied as to permit monopolies or monopolistic practices, or to eliminate, oppress, or discriminate against small enterprises.

ARTICLE XI—PRICE INCREASES

Whereas the policy of the Act to increase real purchasing power will be made more difficult of consummation if prices of goods and services increase as rapidly as wages, it is recognized that price increases except such as may be required to meet individual cost should be delayed, and when made such increases should, so far as possible, be limited to actual additional increases in the seller's costs.

ARTICLE XII—EFFECTIVE DATE

This Code shall become effective on the second Monday after approval by the Administrator.

Approved Code No. 457.
Registry No. 213-1-05.

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